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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,683	03/09/2001	Lawrence J. Revit	12671US02	7009

7590 02/17/2006

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EXAMINER
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MICHALSKI, JUSTIN I

ART UNIT	PAPER NUMBER
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2644

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	Application No.	Applicant(s)	
	09/803,683	REVIT ET AL.	
	Examiner	Art Unit	
	Justin Michalski	2644	

All participants (applicant, applicant's representative, PTO personnel):

- (1) Justin Michalski. (3) \_\_\_\_\_  
 (2) Joseph M. Butscher. (4) \_\_\_\_\_

Date of Interview: 14 February 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
 c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
 If Yes, brief description: \_\_\_\_\_

Claim(s) discussed: proposed ~~claims~~ 26-39.

Identification of prior art discussed: \_\_\_\_\_

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The Applicants' representative faxed proposed amendments 26-39 for consideration. The office indicated that proposed dependent claims 26-37 appear to be allowable based on claim 14 while proposed independent claims 38 and 39 would require further search and consideration.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
 Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In the Application of:

Revit et al.

Serial No.: 09/803,683

Filed: March 9, 2001

For: Sound Reproduction Method and  
Apparatus for Assessing Real-World Performance  
of Hearing and Hearing Aids

Art Unit: 2644

Examiner: Michalski, Justin I.

Confirmation No. 7009

**DRAFT CLAIMS FOR CONSIDERATION**

Examiner Michalski:

As indicated in the final office action mailed December 7, 2005, claims 14-20 have been allowed. Per our discussion on February 13, 2006, please consider the proposed draft claims 26-39 (of which claims 26-37 are claims that depend from previously allowed claim 14) . Note, the new claims are similar to claims that are currently pending in the application.

Joseph M. Butscher  
McAndrews, Held & Malloy  
Phone: (312)775-8211

App. No. 09/803,683  
DRAFT CLAIMS FOR CONSIDERATION

**The Claims**

14. (Allowed) A multi-channel sound reproduction system for testing hearing and hearing aids comprising:

at least one audio source;

a listening position at which a test subject is placed;

a plurality of loudspeakers located at approximately ear level of a test subject in the listening position, the plurality of loudspeakers for receiving a plurality of audio signals from the audio source;

a first further loudspeaker located at approximately ear level and at front and center of a test subject in the listening position, the first further loudspeaker for receiving a further audio signal from the audio source;

a second further loudspeaker located at an overhead center position directly above the test subject in the listening position; and

the at least one audio source transmitting a time-offset or delayed sum of at least a portion of the plurality of audio signals and the further audio signal to the second further loudspeaker.

15. (Allowed) The multi-channel sound reproduction system of claim 14 wherein the sum comprises an equal contribution from each of the plurality of audio signals and the further audio signal.

16. (Allowed) The multi-channel sound reproduction system of claim 14 wherein the at least one audio source comprises a 5.1-channel storage medium.

17. (Allowed) The multi-channel sound reproduction system of claim 14 wherein the plurality of loudspeakers comprises four loudspeakers located at each of four corners relative to the listening position.

18. (Allowed) The multi-channel sound reproduction system of claim 14 further comprising a subwoofer located proximate the listening position.

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**DRAFT CLAIMS FOR CONSIDERATION**

19. (Allowed) The multi-channel sound reproduction system of claim 18 wherein the at least one audio source transmits a low-pass filtered sum of at least a portion of the plurality of audio signals and the further audio signal to the subwoofer.

20. (Allowed) The multi-channel sound reproduction system of claim 14 wherein the plurality of audio signals comprises competing signals.

**Draft New Dependent 26:** The multi-channel sound reproduction system of claim 14, further comprising an audio signal processing system for receiving a plurality of audio signals from the audio source and for generating therefrom a plurality of processed audio signals.

**Draft New Dependent 27:** The multi-channel sound reproduction system of claim 26, wherein the audio signal processing system comprises a clinical audiometer.

**Draft New Dependent 28:** The multi-channel sound reproduction system of claim 14 wherein the plurality of loudspeakers are placed and oriented arbitrarily about the listening position.

**Draft New Dependent 29:** The multi-channel sound reproduction system of claim 28 wherein placed and oriented arbitrarily about the listening position comprises a configuration in which the loudspeakers face different directions relative to each other and relative to the listening position.

**Draft New Dependent 30:** The multi-channel sound reproduction system of claim 26 wherein one of the plurality of processed audio signals represents a target signal and a remainder of the plurality of processed audio signals comprise multiple interfering noise signals.

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DRAFT CLAIMS FOR CONSIDERATION

**Draft New Dependent 31:** The multi-channel sound reproduction system of claim 26 wherein the audio signal processing system comprises level-dependent attenuators.

**Draft New Dependent 32:** The multi-channel sound reproduction system of claim 26 wherein all but one of the plurality of processed audio signals comprises discrete adjusted versions of the plurality of audio signals and wherein the one of the plurality of processed audio signals comprises a combination of the plurality of audio signals.

**Draft New Dependent 33:** The multi-channel sound reproduction system of claim 32 wherein one of the plurality of loudspeakers comprises a subwoofer, and wherein the one of the plurality of processed audio signals is received by the subwoofer.

**Draft New Dependent 34:** The multi-channel sound reproduction system of claim 32 wherein the combination of the plurality of audio signals is comprised of an equal proportion of the plurality of audio signals.

**Draft New Dependent 35:** The multi-channel sound reproduction system of claim 14 wherein the plurality of loudspeakers are placed at locations that are approximately equidistant from a center of the listening position, and wherein the plurality of loudspeakers are facing the center of the listening position.

**Draft New Dependent 36** The multi-channel sound reproduction system of claim 14 wherein at least two of the plurality of loudspeakers generate sound that appears to, but does not, emanate from another of the plurality of loudspeakers.

**Draft New Dependent 37:** The multi-channel sound reproduction system of claim 14 further comprising a plurality of audio power amplifiers for receiving the plurality of processed signals and for amplifying the plurality of processed audio signals.

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DRAFT CLAIMS FOR CONSIDERATION

**Draft New Independent 38:** A multi-channel sound reproduction system for testing hearing and hearing aids comprising:

- at least one audio source;
- a listening position at which a test subject is placed;
- a plurality of loudspeakers located at approximately ear level of a test subject in the listening position, the plurality of loudspeakers for receiving a plurality of audio signals from the audio source;
- a first further loudspeaker located at approximately ear level and at front and center of a test subject in the listening position, the first further loudspeaker for receiving a further audio signal from the audio source; and
- a second further loudspeaker located at an overhead center position directly above the test subject in the listening position.

**Draft New Independent 39:** A multi-channel sound reproduction system for testing hearing and hearing aids comprising:

- at least one audio source;
- a listening position at which a test subject is placed;
- a plurality of loudspeakers located at approximately ear level of a test subject in the listening position, the plurality of loudspeakers for receiving a plurality of audio signals from the audio source; and
- a further loudspeaker located at an overhead center position directly above the test subject in the listening position.